



Agricultural Environmental Enhancement Program Fiscal Year 2006

Request for Response (RFR): RFR File: AEEP-06

For the purchase of materials to implement
Agricultural Best Management Practices
which improve water quality,
conserve water or reduce greenhouse gas emissions

**Responses due no later than
4.00 PM on November 11th, 2005 and
4.00 PM on February 1st, 2006**

**Commonwealth of Massachusetts
Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114**

Contact: Gerard Kennedy. 617-626-1773. gerard.kennedy@state.ma.us

REQUEST FOR RESPONSE

RFR File Name/Title: Agricultural Environmental Enhancement Program

Due Dates: Round One: 4.00 PM on November 11th, 2005 AND Round Two: 4.00 PM on February 1st, 2006
Contact : Gerard Kennedy, Environmental Analyst
Address: 251 Causeway Street, Suite 500, Boston, MA 02114
Telephone: 617-626-1773 **Fax:** 617-626-1850 **Email:** gerard.kennedy@state.ma.us

This request for a response contains three sections. Section I is a description of the program. Section II is the program proposal form. Section III contains more detailed information about the RFR specifications and requirements, including funding allocations.

Section I

1. Purpose

The Massachusetts Department of Agricultural Resources ("Agricultural Resources" or "Department") invites responsive proposals from Massachusetts agricultural operations for participation in the Agricultural Environmental Enhancement Program (AEEP). The AEEP program is a competitive, re-imbursement grants program. The purpose of AEEP is to provide support to agricultural operations in Massachusetts for the mitigation and/ or prevention of negative impacts to the Commonwealth's natural resources, including water and air, that may result from agricultural practices. Responsive proposals selected to participate in AEEP will be reimbursed for approved costs of materials to install and or implement agricultural best management practices which improve water quality, conserve water or reduce greenhouse gas emissions. Examples of practices funded in previous years include purchase and installation of flumes, trickle irrigation lines, compost pads, solar powered pumps, fuel efficient low emission motors and removal of sources that may release petrochemicals into the environment. A sample listing of projects previously funded by AEEP is shown on page 10 of this document. For more information about the AEEP program please access the following website:

<http://www.mass.gov/agr/programs/aEEP/>

For 2005/ 2006, Agricultural Resources is particularly interested in funding proposals which reduce impacts on water bodies from livestock operations. Innovative proposals with the potential to successfully address these impacts from livestock operations will receive a higher ranking. Reimbursement of up to \$24,000 will be awarded on a competitive basis. Persons submitting successful proposals will be required to sign a contract with Agricultural Resources. Satisfactory receipts for costs of approved materials must be submitted to Agricultural Resources by June 1st 2006.

2. Eligibility

- **The following categories of Massachusetts agricultural operations are eligible to apply:**
 1. Farmers/growers/ shellfish growers as identified by Massachusetts General Laws (e.g. MGL c. 128 § 1A ; MGL c. 61A ; MGL c. 130 § 17; MGL c. 131 § 23).
 2. Commercial horse operations that generate \$2,500 or more in annual income from the horse component of the farm (i.e. not the raising of feed).
- **Eligible farmers/growers (excluding shellfish growers) must meet any one of the following criteria:**
 1. Actively farm at least five acres, or
 2. Have at least three acres in bog production, or
 3. Have at least 5,000 square feet under greenhouse production.
- Applicants must have proof of a written and updated natural resources conservation plan that is approved by Agricultural Resources. Call Gerard Kennedy for more details at 617-626-1773. Greenhouse, flower growers and shellfish growers are excluded from this requirement.
- Eligible shellfish growers will possess a current shellfish aquaculture license from the Massachusetts Division of Marine Fisheries

- **Responsive proposals that fall into any one of the following categories are ineligible:**
 1. Proposals from farmers who are out of compliance or in review for compliance with any Massachusetts federal, state or local environmental law or regulation.
 2. Proposals pertaining to land being leased/ used by farmers with a conservation restriction that is not held by the Commonwealth. (For example, land owned by a town or non-profit organization is not eligible).
 3. Proposals from individuals or groups failing to meet requirements for previous Agricultural Resources Standard Contracts and/ or assistance programs.

3. Criteria for evaluation

Applications are evaluated on the following criteria:

- The presence or threat of direct discharges of pollutants into surface water bodies or wetlands.
- Farms located within a delineated resource protection area for a public surface water supply such as a Zone A.
- Farms located within a delineated resource protection area for a public water supply such as a Zone I and Zone II.
- Farms which are impacting Areas of Critical Environmental Concern and/or Priority Habitat Areas.
- Extent to which the proposed Agricultural Best Management Practice improves water quality, conserves water, or improves air quality
- Extent to which the proposed Agricultural Best Management Practice addresses identified water quality impacts on water bodies that are listed in Category 5 of the Department of Environmental Protection's Integrated List which is available on the internet at <http://www.mass.gov/dep/brp/wm/files/2004il2.pdf>
- Confirmation that there is a need for the activity.
- Ability to complete the project on or before June 30, 2006.

For Shellfish Growers

- Extent to which the response addresses the installation, implementation or incorporation of the "Best Management Practices for the Shellfish Culture Industry in Southeastern Massachusetts" (SEMAC, 2004) ¹ and/or NRCS conservation practice standard Shellfish Aquaculture Management (code 706).
- Extent to which the responsive proposal justifies the proposed Best Management Practice purchase and/ or installation in the context of environmental benefits.

Additional points will be awarded to:

- Innovative approaches to managing water quality impacts from livestock operations.
- Proposals which address more than one resource area of concern.
- Farms potentially impacting an Outstanding Resource Water (ORW).
- Farms with an agricultural restriction under Agricultural Resources' Agricultural Preservation Restriction program.
- Farms currently participating in the Farm Viability or Cranberry Viability Enhancement Programs.
- Farmers proposing the purchase of pesticide storage cabinets or gas/diesel fuel containment structures.
- Farmers proposing the purchase of fuel-efficient and/or low emission motors, irrigation pumps or alternative energy system pumps (solar or wind, for example) as replacement for equipment that is currently in use, which improves water and air quality. (NOTE: Existing equipment that is replaced must be disabled and disposed of).
- Extent to which the proposal helps to advance the goals of the state's Climate Protection Plan which is available online at <http://www.mass.gov/Eocd/docs/pdfs/maclimateprotectionplan.pdf>
- New entry farmers who have been farming for less than 10 years.
- Farmers who have not been awarded AEEP funds in the past.

4. Proposal Evaluation Procedures

The funded contractual activity will be evaluated prior to full reimbursement. Work will be checked for satisfactory completion and compliance to standards. Spot inspections may be conducted at the Department's discretion on all work for the life of the project if applicable.

¹ To receive a copy contact Southeastern Massachusetts Aquaculture Center c/o Barnstable County Cooperative Extension at 508-362-2511 or call Agricultural Resources at 617-625-1730 (Scott Soares).

5. Instructions for Submission of Responses

A proposal form is attached and must be completed and delivered to Agricultural Resources by the response date deadline. Applications that are sent by fax or electronically will NOT be accepted. There are two response due dates:

ROUND ONE: November 11th, 2005 (\$200,000 will be awarded under this round)

US Postal Service date stamp no later than November 11, 2005 or hand delivered to Agricultural Resources by 4:00 PM. Construction projects will only be considered in Round 1 due to the short time frame for implementation.

ROUND TWO: February 1st, 2006 (\$100,000 will be awarded under this round)

US Postal Service date stamp no later than February 1st, 2006 or hand delivered to Agricultural Resources by 4:00 PM. Construction projects will **not** be considered in Round 2 due to the short time frame for implementation.

Please complete and return the proposal form to:

Gerard Kennedy, Environmental Analyst
Department of Agricultural Resources,
251 Causeway Street, Boston, MA 02114

Section II

AGRICULTURAL ENVIRONMENTAL ENHANCEMENT PROGRAM PROPOSAL (Fiscal Year 2006)

All of the information on this application must be completed or identified as Not Applicable

1. Farm Information

Name: _____ Farm Owner: _____
(if different)

Farm Name: _____

Farm Location: _____
(Include latitude and longitude if available)

Municipality: _____ Zip Code: _____ County: _____

Home telephone: _____ Cell phone: _____ Email: _____

2. Mailing Address for Farm (if different from above)

Address: _____

Municipality: _____ Zip Code: _____

3. Farm Details

Type of Operation: _____

Acreage Owned: _____ Acreage in Production: _____ Cropland rented / leased : _____

Crops Grown and Acreage: _____

Livestock Type and Number: _____

Density per square foot (Shellfish Only): _____

Do you rent or lease the land where this project takes place ? _____ Do you have a lease in writing for the land where this project takes place ? _____ When does the lease end ? _____

Who will own the materials purchased using AEEP funds ? _____

4. Check all the questions that apply to the land where you intend to use the AEEP funds.

- a. My farm has an Agricultural Preservation Restriction (APR).
Year enrolled and name of farm, if different, at time of enrolment: _____ ☐
- b. My farm has been accepted into or completed the Farm Viability Enhancement Program
or the Cranberry Viability Program. ☐
- c. I have not previously received AEEP funds. ☐
- d. This farm is located within a priority habitat area and/or an ACEC ☐
- e. This farm is located within a protection area for a public surface water supply such as a Zone A. ☐
- f. This farm is located within a protection area for a public water supply such as a Zone I and Zone II. ☐

5. Conservation Plans

- a. I have a USDA/ NRCS Farm Plan which has been updated within the last five years. Do not enclose a
copy of your plan with your application. ☐
- b. I have enclosed a conservation plan from the DAR manual "On Farm Strategies to Protect Water
Quality" for approval by DAR. For details call Gerard Kennedy at 617-626-1773. ☐
- c. I am a greenhouse grower, flower grower or a shellfish grower and have no conservation farm plan ☐

6. Environmental Resources

Check resource(s) of concern Air ☐ Water Quality ☐ Water Quantity ☐

- a. For a water resource, what is the specific name of the water resource (eg. stream, pond, town well) that you are
concerned about impacting? Describe location of the water resource relative to your operation. *Include latitude and
longitude coordinates if available.*

- b. What specific concerns do you have about your operation that could potentially impact environmental resources ?
(Identify locations on your operation that are of concern)

- c. How will AEEP funds help you to address the impacts of your operation on environmental resources ? *(Be specific about the location on your operation where you propose to do the work.)*

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- d. Who will conduct the proposed work/ activities ? *Include name address, phone, and if available email*

7. Budget

Is this proposal associated with a USDA funded EQIP project ? Yes ☐ No ☐

No ☐

A maximum of \$24,000 per farm is available. Up to 15% of the funds can be used for labor (this includes equipment and off-farm rental). Items that are not eligible for funding include: digging new wells, deer fencing, large equipment purchase, manure agitator pumps, and liquid manure flow meters

List the materials you need to complete the project (such as feet of fence, or cubic yards of cement); the labor costs; and the total cost of the project. **Specify which item is the most important to have funded by AEEP.**

Project	Materials needed to complete the project eg. feet of fence, cubic yards of cement	Cost per unit	Number of units	Total Cost of materials
<i>Example: fencing</i>	<i>Example: high tensile</i>	<i>Example \$2.72/ft</i>	<i>Example: 4000 ft</i>	<i>Example \$133.28</i>
Labor Costs/ Equipment Rental (Not to exceed 15 % of request)				
TOTAL COST REQUESTED FOR AGRICULTURAL FUNDING				

NOTE: AEEP funded projects must use USDA-NRCS Standards and Specifications or manufacturers guidelines for installation standards. Farmers may use DAR Guidelines when installing pesticide mixing, loading and storage facilities. Guidelines are available at the Agricultural Resources website: http://www.mass.gov/agr/pesticides/waste/publications/mixload_medlarge.pdf

8. Locator Map (required)

Enclose a map with your farm boundaries drawn and the exact location of the project described in this application. Use either a town road map or a USGS topography map including the map quadrant name. A recommended resource is the free OLIVER software available online from the MASSGIS website:
http://maps.massgis.state.ma.us/massgis_viewer/index.htm

9. Attestation

By signing this application you give permission for the Massachusetts Department of Agricultural Resources (MDAR) to review your NRCS Farm Plan if you have one. You also give permission to have a site visit by MDAR staff which may be necessary before a funding decision is made. All site visits will be arranged with you in advance. For commercial horse operations, you agree to have available your IRS Tax Schedule C or F to be reviewed by appropriate MDAR staff

Signature _____ Date _____

The Department of Agricultural Resources will keep the information in this application confidential to the best of its ability within the bounds of the law. If you are not selected for funding in Fiscal Year 2006, you may request that your application be returned to you by signing on the following line. This will not affect, in any way, your ability to apply to this program again in subsequent years

I want my application returned to me if not selected. I understand that by doing so, I waive the right to challenge the State's decision not to select me for this program.

Signature _____ Date _____

Application Checklist

1. Complete every section of the application ☐
2. Check with NRCS that your Farm Plan is updated **OR** submit a completed Plan from the "On-Farm to Protect Water Quality" workbook. Your application will be eligible once your workbook plan is approved. (Shellfish growers are excluded from this requirement) ☐
3. Sign the application ☐
4. Include a property location map ☐

DEADLINES

ROUND ONE: Due November 11th, 2005
ROUND TWO: Due February 1st 2006

US Postal Service Date Stamp or Hand Deliver by 4pm for both rounds
Fax and electronic copies are not acceptable.

SAMPLE LISTING OF PROJECTS PREVIOUSLY FUNDED BY AEEP

Additional information available at
<http://www.mass.gov/agr/programs/acep/>

COMMODITY	PROJECT DESCRIPTION
CRANBERRY	FLUMES
	POP-UP" IRRIGATION HEADS
	IRRIGATION PUMP
	IRRIGATION LINES
DAIRY/LIVESTOCK	COMPOST PAD
	HEAVY USE AREA
	ROOF RUNOFF (GUTTERS, DRAIN)
	MANURE STORAGE PIT
	FENCING & WATERER
	WATER PURIFICATION LIGHT
	SOLAR-POWERED PUMP
VEGETABLE/ORCHARD	PESTICIDE STORAGE
	TRICKLE IRRIGATION LINES
	EVERGREEN TREES FOR WIND BREAK
	IRRIGATION PUMP & FILTER
SHELLFISH	RETIREMENT OF 2 STROKE FOR PURCHASE OF 4 STROKE OUTBOARD MOTOR EQUIPMENT TO REMOVE BIOFOULING ON SHELLFISH CULTURE GEAR

SECTION III

RFR Specifications

Contract and Performance Specifications

1. PURPOSE OF PROCUREMENT: The purpose of AEEP is to provide support to agricultural operations in Massachusetts for the mitigation and/ or prevention of negative impacts to the Commonwealth's natural resources, including water and air, that may result from agricultural practices

2. ACQUISITION METHOD: Fee For Service

3. SINGLE OR MULTIPLE CONTRACTORS FOR CONTRACT PERFORMANCE : Multiple Contractors

4. SINGLE OR MULTIPLE DEPARTMENTS MAY CONTRACT UNDER THIS RFR:
Single.

5. TOTAL ANTICIPATED DURATION OF CONTRACTS

Initial Contract Duration: Through June 30th 2006. Maximum obligation of \$24,000

Options to Renew : 2(two) 1 year options to renew

Options to Renew not to exceed: 1 year each

6. TOTAL ANTICIPATED EXPENDITURES FOR TOTAL ANTICIPATED DURATION OF CONTRACT(S):

Estimated Value of Procurement: **Approximately \$300,000**

☐ **x** ☐ Contracts will have a Maximum Obligation Amount.

The approximately \$300,000 will be awarded in the following manner:

- \$25,000 will be reserved for licensed shellfish growers who seek to implement practices described in the "Best Management Practices for the Shellfish Culture Industry in Southeastern Massachusetts" (SEMAC, 2004) ² and/or NRCS conservation practice standard Shellfish Aquaculture Management (code 706).
- \$25,000 will be reserved for growers who propose to install practices that improve air quality.

If any of the funds (\$50,000) set aside as reserves are not committed to the group of farmers/ growers mentioned in the bulleted points above (shellfish growers; growers proposing to install practices that improve air quality) the remaining funds will be allocated for use by the larger applicant pool.

- \$ 250,000 is open for all other eligible farmers/ growers

Round 1 will allocate approximately \$200, 000 and will include eligible construction projects. Round 2 will award the remaining \$100,000. DAR reserves the right to change the funding allocations between Round 1 and Round 2, depending upon the nature of the projects submitted in Round 1.

RFR ATTACHMENTS TO BE COMPLETED IF PROJECT IS SELECTED FOR CONTRACT DEVELOPMENT

The submitters of applications/responsive proposals that have been selected for contract development will be required to complete, execute and return some or all of the following documents: (Forms are available via the State Internet site <http://www.comm-pass.com>)

- 1. Commonwealth Terms and Conditions.** If the Commonwealth Terms and Conditions has been executed and filed as a result of a previous contract with the Commonwealth of Massachusetts, vendors selected for contract development will be required to indicate this in your Response. The Commonwealth Terms and Conditions shall be incorporated by reference into any Contract for Commodities and Services executed pursuant to this RFR. A Bidder is required to execute the Commonwealth Terms and Conditions only once.
- 2. Verification of Taxation Reporting Information (W-9) Form.**
- 3. Commonwealth Standard Contract.**
- 4. Northern Ireland Notice and Certification.**
- 5. Electronic Funds Transfer Form (EFT). (Optional)**

² To receive a copy contact Southeastern Massachusetts Aquaculture Center c/o Barnstable County Cooperative Extension at 508-362-2511 or call Agricultural Resources at 617-625-1730 (Scott Soares).

In general, most of the required contractual stipulations are referenced in the Standard Contract Form and the Commonwealth Terms and Conditions (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

Required RFR Provisions

The terms of 801 CMR 21.00: Procurement of Commodities and Services (and 808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR. No electronic responses may be submitted in response to this RFR.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through Comm-PASS.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement, which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The PMT reserves the right to reject unreasonable requests.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., Chapter 66, Section 10, and to Chapter 4, Section 7, Subsection 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Best Value Selection and Negotiation. The PMT may select the response(s), which demonstrates the best value, overall, including proposed alternatives that will achieve the procurement goals of the department.

PMT and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Costs. Costs, which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Comm-PASS. This RFR has been distributed electronically using the Comm-PASS system. RFR attachments that are referenced will be found either as a separate .pdf file along with the RFR, or are found in the "Forms and Information" section at: (<http://www.comm-pass.com/comm-pass/forms.html>). Bidders are solely responsible for obtaining and completing required attachments that are identified in this RFR and for checking Comm-PASS for any addenda or modifications that are subsequently made to this RFR or attachments. The Commonwealth and its subdivisions accept no liability and will provide no accommodation to bidders who fail to check for amended RFRs and submit inadequate or incorrect responses. Bidders are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure that they have the most recent RFR files. Bidders may not alter (manually or electronically) the RFR language or any RFR component files. Modifications to the body of the RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited and may disqualify a response.

Northern Ireland Notice and Certification. All bidders must complete the Northern Ireland Notice and Certification form to satisfy M.G.L. c.7 section 22C, which states that no state agency may procure commodities or services from any bidder employing ten (10) or more employees in an office or other facility located in Northern Ireland unless the bidder certifies through the notice and certification form that if it employs ten or more employees in Northern Ireland, a) the bidder does not discriminate in employment, compensation or the terms, conditions and privileges of employment on account of religious or political belief, b) the bidder promotes religious tolerance within the workplace and the eradication of any manifestations of religious and other illegal discrimination and, c) the bidder is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Subcontractors are required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

Affirmative Market Program.

Massachusetts Executive Order 390 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) and resulted in the Affirmative Market Program in Public Contracting. As a result, M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, subcontractors, joint venture partners or other type of business partnerships.

Non-certified bidders are strongly encouraged to develop creative initiatives to help foster new business relationships with M/WBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of AMP objectives, the Affirmative Market Program Plan for large procurements greater than \$50,000 must be evaluated at 10% or more of the total evaluation. Once an AMP Plan is submitted, negotiated and approved, the agency will then monitor the contractor's performance, and use actual expenditures with SOMWBA certified contractors to fulfill their own AMP expenditure benchmarks. M/WBE participation must be incorporated into and monitored for all types of procurements regardless of size, however, submission of an AMP Plan is mandated only for large procurements over \$50,000. Agencies may require some or all of the following components as part of the Affirmative Market Program Plan submitted by bidders: Sub-contracting with certified M/WBE firms,

Growth and Development activities to increase M/WBE capacity, Ancillary use of certified M/WBE firms, Past Performance or information of past expenditures with certified M/WBEs. Agencies are encouraged to include additional incentives for bidders to commit to at least one certified MBE and WBE in the submission of AMP plans.

A Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), M/Non-Profit, or W/Non-Profit, is defined as such by SOMWBA. All certified businesses are required to submit an up to date copy of their State Office of Minority and Women Business Assistance (SOMWBA) certification letter. The purpose for this certification is to participate in the Commonwealth's Affirmative Market Program for public contracting. Minority- and Women-Owned firms that are not currently certified but would like to be considered as an M/WBE for the purpose of this RFR should submit their application at least two weeks prior to the RFR closing date. For further information on SOMWBA certification, contact their office at 1-617-727-8692 or via the Internet at mass.gov/somwba.

Affirmative Market Program Subcontracting Policies. Prior approval of the agency is required for any subcontracted service of the contract. Agencies may define required deliverables including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) for the purpose of monitoring and enforcing compliance of subcontracting commitments made in a bidder's Affirmative Market Program (AMP) Plan. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Subcontractors are required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

Estimated Provisions. The Commonwealth makes no guarantee that any commodities or services will be purchased from any contract resulting from this RFR. Any estimates or past procurement volumes referenced in this RFR are included only for the convenience of bidders, and are not to be relied upon as any indication of future purchase levels.

Brand Name or Equal. Unless otherwise specified in this RFR, any reference to a particular trademark, trade name, patent, design, type, specification, producer or supplier is not intended to restrict this RFR to any manufacturer or proprietor or to constitute an endorsement of any commodity or service, and the department may consider clearly identified offers of substantially equivalent commodities and services submitted in response to such reference.

Alternatives. A response which fails to meet any material term or condition of the RFR, including the submission of required attachments, may lose points or be deemed unresponsive and disqualified. Unless otherwise specified, bidders may submit responses proposing alternatives, which provide equivalent, better, or more cost-effective performance than achievable under the stated RFR specifications. These alternatives may include related commodities or services that may be available to enhance performance during the period of the contract. The response should describe how any alternative achieves substantially equivalent or better performance to that of the RFR specifications. The department will determine if a proposed alternative method of performance achieves substantially equivalent or better performance. The goal of this RFR is to provide the best value of commodities and services to achieve the procurement goals of the department. Bidders that propose discounts, uncharged commodities and services or other benefits in addition to the RFR specifications may receive a preference or additional points under this RFR as specified.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts

with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Inter-Department Purchase. Departments reserve the right to include an option for other departments to purchase services or commodities under the same terms of the contract. Should departments exercise this option, bidders will be required to specify their ability to extend services to other departments and the rates to be used.

Environmentally Preferable Products and Services. The department and contractor (s) may negotiate during the contract term to permit the substitution or addition of Environmentally Preferable Products (EPPs) when such products become available at a competitive cost and satisfy the department's performance needs. Unless otherwise specified in the RFR, during evaluation of responses, an EPP may be considered best value even when the price is greater than that of a non-EPP (recommended not to exceed 10% in price). Bidders are encouraged to submit information to identify any and all environmental attributes of the product or services being procured, even when such attributes are not being required.

Prompt Payment Discounts (PPD). All bidders responding to this procurement are strongly encouraged to participate in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments. PPD benefits both Contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's VendorWeb system. The PPD offering form can be found on the OSD forms page.

Bidders should submit agreeable terms for Prompt Payment Discount offerings using the PPD offering form within their proposal, unless otherwise specified by the PMT. The PMT will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.